

REMARKS

This application has been reviewed in light of the Office Action dated November 18, 2003. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 11-21 and 23-35 are pending. Claim 22 has been canceled herein without prejudice or disclaimer of subject matter. Claims 12, 14-16 and 18-21 stand withdrawn from further consideration as being directed to a non-elected species. Claims 11-21 have been amended. Claims 24-35 have been added. Support for the new claims and claim amendments can be found in the original disclosure, and therefore no new matter has been added. Claims 11 and 24 are in independent form.

Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 17 has been amended herein. Withdrawal of this rejection is respectfully requested.

Claims 11, 13 and 22 were rejected under 35 U.S.C. § 102(a) as being anticipated by Applicants' Admitted Prior Art (AAPA).

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of EP 0 822 078 (*Hirosawa et al.*).

In response to the rejections over the prior art, Applicants submit the following remarks.

One feature of independent Claims 11 and 24 is a filler retaining portion comprising a stepping portion of a recording element substrate and a supporting member, the

filler retaining portion being disposed adjacent to a face of the recording element substrate having no electrode terminals arranged therefor, and the filler retaining portion communicating with a sealing area requiring sealing, the sealing area being formed by the supporting member, the recording element substrate and an electric wiring substrate.

Applicants submit that nothing in Applicants' Admitted Prior Art (AAPA) would teach or suggest this feature of Claims 11 and 24. Examples of the filler retaining portion and the sealing area are shown in Figs. 21A-C. (Of course, the detail of the figures is not to be taken as limiting the scope of the claims.) As shown in those figures, filler retaining portion 1311 is adjacent to a side face of recording element substrate 1100 having no electrode terminals arranged therefor, and communicates with sealing area (gap region) 1315. Applicants submit that AAPA is not seen to teach or suggest a filler retaining portion and a sealing area such as are recited in Claims 11 and 24.

EP 0 822 078 (*Hirosawa et al.*) relates to an ink jet recording head including a joined surface and a support member. Even if *Hirosawa et al.* be deemed to teach what the Office Action alleges, this reference is not believed to overcome the deficiencies of the cited art discussed above.

Since neither AAPA nor *Hirosawa et al.*, whether taken singly or in combination (even assuming, for the sake of argument, that such combination were permissible), contains all of the elements of Claim 11 or 24, those claims are believed allowable.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references

against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims presented for examination are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each of these dependent claims is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

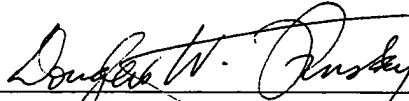
In addition, upon allowance of a generic claim, rejoinder of the withdrawn claims dependent therefrom is respectfully requested. In that regard, Claim 11 was indicated by the Examiner as being generic; Applicants submit that Claim 24 is also generic.

Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

In view of the foregoing amendments and remarks, Applicants respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Douglas W. Pinsky", is written over a horizontal line.

Attorney for Applicants
Douglas W. Pinsky
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
DWP/tmc